

Issue Brief: Social Economic Status/ Class Criminal Justice in the U.S.

Key Words: Criminal Justice, Low Socio Economic Class, Discrimination, Inequality,

Description: This brief focuses on the relationship between social economic status and the criminal justice system. In general, people pertaining to the lower class—versus the white collar and the elite class— are more likely to be: incarcerated, charged, convicted, sentenced to prison, and punished with longer prison terms.



Key Points:

- Criminal justice is a governmental system of institutional practices aimed at regulating society, diminishing crime, and penalizing those who violate laws with criminal sentencing
 - The goal behind legal enforcement is to protect individuals and communities as a whole
- Although the poor have higher rates of person and property crimes, crimes committed amongst the middle and high-class society are significantly more widespread and pose greater economic detriment

- The main difference is that crimes committed by members of higher society are not as actively pursued as the crimes typically committed by the poor
- Police treatment of poor people differs greatly from the treatment given to people with a higher socioeconomic status
- The disproportionate rates of minority incarceration, i.e. blacks and Latinos, is motivated by the nation- state's interest in maintaining constructs of race

Issue Brief:

In looking at the United State's overpopulated and ever growing prison system, it is no coincidence that an overwhelming majority of the nation's inmate population comes from lower socioeconomic status communities. In the criminal justice system people from the lower class are more likely to be incarcerated, charged, convicted, sentenced to prison, and given longer prison terms, than people from the white collar and elite class. The very system that aims at diminishing crimes and protecting communities has become a crippling governmental mechanism used to target and further oppress the poor. This has been proven by the inconsistency in crimes pursued, differences in police treatment, and the disproportionate rate of minority incarceration.

According to the American Psychological Association, "Research has shown that race and ethnicity in terms of stratification often determine a person's socioeconomic status." With about 40% of African Americans and 32% of Latinos living below the poverty line as defined by the National Poverty Center, lower socioeconomic status—at least in the context of criminal justice—is associated with this minority demographic. In a

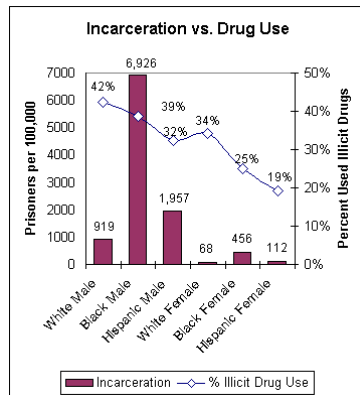
study about crime and socioeconomic status, Psychology Professor Nathan Brown found that, “The United States criminal justice system is in effect a funneling process from arrest to sentencing. This allows socioeconomic discrimination to occur at every stage of the process and therefore shapes the population of criminals that reach prison.” Under this biased system, judges and jurors “are more likely to attribute the criminal behavior of those of high socioeconomic status to their dispositions, while they attribute the criminal behavior of those of low socioeconomic status to their situation” (Brown). A perfect example of this blatant inequality is seen in drug possession convictions. A poor person who gets arrested on drug charges is seen as a drug abuser and is typically sent to jail; whereas such behavior from a higher class person is more likely to be seen as a result of their situation, therefore allowing them other alternatives like rehabilitation and probation. With the ever-intensifying war on drugs, police have focused their efforts in inner cities and in many ways target poorer communities.

Although the poor have higher rates of person and property crimes, crimes committed amongst middle and high- class society are significantly more widespread and result in greater economic detriment. The main difference is that crimes committed by the higher class are not as actively pursued as the crimes committed by the underprivileged. A survey conducted by the President’s Crime Prevention Commission concluded that, “91 percent of all Americans have violated laws that could have subjected them to a term of imprisonment at one time in their lives.” Although crime is an issue prevalent in all socioeconomic classes, such data indicates that crime is disproportionately targeted in society. The unbalanced legal system has developed more delicate ways of dealing with the elite, resulting in lower arrest rates in such demographics. Not to say that members of

the white collar and high class do not get arrested, but whenever this is the case, they tend to receive lesser sentences than people from the lower class.

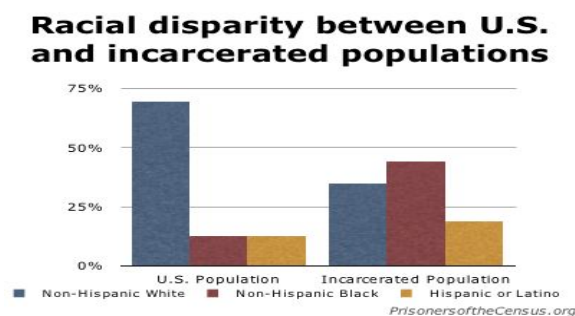
One major factor that perpetuates inequality in the criminal justice system is the great difference in police treatment of poor people compared to the treatment given to upper- class citizens. Brown attributes this discrimination to the fact that poorer people have less privacy, thus making them more visible than other groups, and to police training, which conditions officers to be suspicious of certain kinds of people—poor minorities.

Police efforts have increased in the government's War on Drugs, which has translated into prisons being flooded with drug offenders, who account for 59% of federal inmates. Out of this alarming percentage, M. Christopher Brown II claims, "The majority (56%) of prisoners serving time for minor or serious drug convictions are African American, despite the fact that only 11% of the nation's drug users are Black." Vincent Schiraldi attributes this disproportionate rate of minority incarceration to "tougher punishment for use of crack cocaine than for other drugs." Shockingly, the federal crack statute mandates a five- year prison term for possession of five grams of crack cocaine, but under the same law, the possession of five- hundred grams of powder cocaine is necessary for a five- year term. K.K. Russell explains that, "the cost factor prohibits many poor persons from the use of powder cocaine", a clear motivation behind such harsh sentencing and the War on Drugs all together.



<http://www.csdp.org/edcs/page30.htm>

This discrimination against the lower class, in particular poor minorities, is fueled by the nation- state's desire in maintaining the constructs of race. According to the Sentencing Project, "The political influence of the African- American community suffers when African- Americans are incarcerated because in twelve states those convicted of felonies lose their voting rights... Restrictions are also placed on such things as loans [and federal aid] for higher education, access to welfare, and housing for those with felony drug convictions." With such long- term social restrictions, any prospects of upward mobility and societal reintegration are drastically diminished.



The criminal justice system, although it claims to serve all of society equally, discriminates against people from the lower class, most of who are minorities, making them more likely to be imprisoned and punished with harsher sentencing, than people

from higher society. This judicial bias results from the discrepancy in crimes pursued, dissimilarity in police treatment, and the overwhelming rate of minority incarceration.

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